

Express Mail No. EV484962505US

PATENT EXAMINATION

PTO/SB/21 (09-04)

DPM-1

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	205 OCT -5 P 40/701,389
	Filing Date	November 3, 2003
	First Named Inventor	US PATENT & TM Fardin Maxmillian Zahedi
	Art Unit	OFFICE 3711
	Examiner Name	Dolores R. Collins
Total Number of Pages In This Submission	Attorney Docket Number	65036-2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Copy of Examiner's Office Action Copy of Applicant's Response w/ facsimile cover sheet Copy of Petition for Extension of Time
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Davis Wright Tremaine LLP		
Signature	<i>Brian L. Johnson</i>		
Printed name	Brian L. Johnson		
Date	October 4, 2005	Reg. No.	40,033

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	VIA EXPRESS MAIL EV484962505US		
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fardin Maxmillian Zahedi

Application No. : 10/701,389

Filed : November 3, 2003

For : CARD GAME AND METHOD OF PLAY

Examiner : Delores R. Collins

Art Unit : 3711

Docket No. : 65036-2

Date : October 4, 2005

Mail Stop 16
Director of the US Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

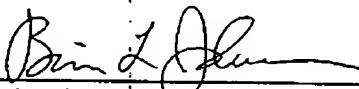
Sir:

In Applicants' response dated August 24, 2005 Applicants noted that the Petition for Extension of Time filed inaccurately requested a five month extension (\$1,080) instead of the three month extension (\$510) allowed in the office action. A refund of \$570 is respectively requested by crediting this amount to Deposit Account No. 04-0258. A duplicate copy of this request is enclosed.

For Patent Office's reference, applicants have enclosed a copy of the Examiner's Office Action dated February 23, 2005, the applicant's Response to the Office Action and Petition For Extension of Time.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7670.

Respectfully submitted,
Fardin Maxmillian Zahedi
DAVIS WRIGHT TREMAINE LLP

By 
Brian L. Johnson
Registration No. 40,033

Enclosure:
Postcard
Copy of Examiner's Office Action
Copy of Applicant's Response
Copy of Petition For Extension of Time

2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Phone: (206) 622-3150
Facsimile: (206) 628-7699



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,389	11/03/2003	Fardin Maxmillian Zahedi	65036-2	6345
22504	7590	02/24/2005		
DAVIS WRIGHT TREMAINE, LLP 2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688				
			EXAMINER COLLINS, DOLORES R	
			ART UNIT 3711	PAPER NUMBER

RECEIVED
FEB 28 2005

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ENTERED IN DWT
IP DOCKET

FEB 28 2005

By: *[Signature]*

Office Action Summary

Application No.

10/701,389

Applicant(s)

ZAHEDI, FARDIN MAXMILLIAN

Examiner

Dolores R. Collins

Art Unit

3711

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 14-16 & 18 of the claimed invention lack patentable utility.

Absent any payout based upon a wager, there is no transformation since applicant's invention is nothing more than abstract ideas.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (719) in view of Lofink (024) and further in view of Marchesani (757).

Webb discloses a Method For Playing Blackjack With A Three Cards Poker Wager (21+3).

Regarding claim 1

Webb teaches a standard deck of cards, providing players the option to wager on Twenty-one and Poker and means for playing both games (see abstract, figure 1 & col. 3, lines 1-22). Webb fails to explicitly teach any type of modification to his deck. Lofink discloses a Blackjack Game With Modifiable Vigorish. His game teaches a standard deck with the option of adding card(s) and further teaches that his game may be modified to provide liberal rules (see abstract & claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility to game play.

Although Lofink teaches a modified deck, he fails to explicitly teach revaluation as part of his modification. Marchesani (757) discloses Low/Max Card Game Method And Apparatus. Marchesani teaches, in one embodiment, the revaluing of Kings, Queens and Jacks (see [0031]). It would have been obvious to one of ordinary skill in the art to modify the method Webb to include the revaluing of cards to add excitement to game play.

Regarding claim 2

As discussed above, one of ordinary skill in the art would revalue at any selected value.

Regarding claims 3, 10, 13, 15, 17 & 19-20

Webb teaches predetermined odds (see claim 15). The specifics of the predetermination would vary depending on the desired optimum value desired by each establishment. Such would involve routine skill in the art.

Regarding claim 4

By teaching a modified deck, Lofink teaches that his deck could include 53 cards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility and excitement to game play.

Regarding claims 5-8, 11-12, 14, 16 & 18

Lofink discloses a Blackjack Game With Modifiable Vigorish. His game teaches a standard deck with the option of adding card(s) and further teaches that his game may be modified to provide liberal rules (see abstract & claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility and excitement to game play.

Further, regarding claims 5, examiner takes official notice that in the game of Twenty-One, players have, as a matter of choice, the option to spit pairs and/or may insurance wagers or not. Regarding claim 6, Lofink in col. 4, (iii), teaches this feature. Regarding claims 7-9, examiner takes official notice that a dealer may select any value 17 or above and players may hit and receive a maximum of six cards depending on the value of the cards.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is (571) 272-4421. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Greg Vidovich*** can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/701,389
Art Unit: 3711

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

xc

February 17, 2005


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Notice of References Cited	Application/Control No. 10/701,389	Applicant(s)/Patent Under Reexamination ZAHEDI, FARDIN MAXMILLIA	
	Examiner Dolores R. Collins	Art Unit 3711	Page 1 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2001/0040344 A1	11-2001	Zahedi, Fardin Maxmillian	273/274
	B	US-6,698,757 B1	03-2004	Timpano, Mike	273/274
	C	US-5,019,973	05-1991	Wilcox et al.	463/13
	D	US-5,265,882 A	11-1993	Malek, Mehrdad M.	273/292
	E	US-5,377,993 A	01-1995	Josephs, Ronald H.	463/12
	F	US-5,538,252 A	07-1996	Green, John R.	273/306
	G	US-5,653,444	08-1997	Dahl, Danny H.	273/274
	H	US-6,371,867	04-2002	Webb, Derek J.	473/292
	I	US-6,012,719	01-2000	Webb, Derek J.	273/292
	J	US-6,481,719	11-2002	Webb, Derek J.	273/292
	K	US-6,341,778	01-2002	Lee, John S.	273/292
	L	US-6,279,910	08-2001	de Keller, David Guy	273/292
	M	US-6,113,102	09-2000	Marks et al.	273/292

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 10/701,389	Applicant(s)/Patent Under Reexamination ZAHEDI, FARDIN MAXMILLIA	
	Examiner Dolores R. Collins	Art Unit 3711	Page 2 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,713,574	02-1998	Hughes, Alan	273/292
	B	US-5,712,574	01-1998	Street, Thomas	324/714
	C	US-5,678,821	10-1997	Hedman, Michael	273/292
	D	US-5,549,300	08-1996	Sardarian, Seroj	273/292
	E	US-6,845,981	01-2005	Ko, Shenli	273/292
	F	US-6,719,291	04-2004	deKeller, David	273/274
	G	US-6,217,024	04-2001	Lofink et al.	273/292
	H	US-6,179,292	01-2001	Aramapakul, Paiboon	273/292
	I	US-5,873,571	02-1999	Vaisman et al.	273/292
	J	US-6,371,867	04-2002	Webb, Derek J.	473/292
	K	US-6,808,173	10-2004	Snow, Roger M.	273/292
	L	US-6,523,831	02-2003	Webb, Derek J.	273/292
	M	US-6,131,908	10-2000	Palmer, James G.	273/292

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited

Application/Control No.

10/701,389

Applicant(s)/Patent Under

Reexamination

ZAHEDI, FARDIN MAXMILLIA

Examiner

Dolores R. Collins

Art Unit

3711

Page 3 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,386,973	05-2002	Yoseloff, Mark L.	463/13
	B	US-2002/0017757 A1	02-2002	MARCHESANI, NICK	273/274
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

*** MULTI TX/RX REPORT ***

TX/RX NO 3256
INCOMPLETE TX/RX
TRANSACTION OK (1) 915712738300
(2) 92064703652
ERROR

206-470-3652

LAWYERS

Davis Wright Tremaine LLP



ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

TEL (206) 622-3150
FAX (206) 628-7699
www.dwt.com

FACSIMILE TRANSMITTAL

Date: August 24, 2005

SEND TO:

NAME	FIRM/COMPANY/CONFIRMATION NO.	FAX NUMBER
Central Fax	U.S. Patent & Trademark Office	571-273-8300

FROM:

Brian L. Johnson Telephone: (206) 628-7670 Fax: (206) 628-7699

NUMBER OF PAGES (including cover page): 12

Floor Sent From: _____ Time Sent: _____ AM PM Operator: _____

RETURN TO SENDER: VIA INTRAOFFICE MAIL ☐ WILL PICK UP ☐ EXTENSION: _____

COMMENTS:

RE: U.S. Application No. 10/701,389
Filed November 3, 2003
Docket No. 65036-2

THE WRITTEN MESSAGE TRANSMITTED HEREBY IS FOR THE EXCLUSIVE USE OF THE ADDRESSEE AND CONTAINS CONFIDENTIAL, PRIVILEGED AND NONDISCLOSABLE INFORMATION. IF THE RECIPIENT OF THIS MESSAGE IS NOT THE ADDRESSEE, OR A PERSON RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE ADDRESSEE, SUCH RECIPIENT IS PROHIBITED FROM READING OR USING THIS MESSAGE IN ANY WAY. IF YOU HAVE RECEIVED THIS MESSAGE BY MISTAKE, PLEASE NOTIFY THE SENDER IMMEDIATELY AND DESTROY THE FACSIMILE MESSAGE.

206-470-3652

WYERS:

Davis Wright Tremaine LLP



ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

TEL (206) 622-3150
FAX (206) 628-7699
www.dwt.com

FACSIMILE TRANSMITTAL

Date: August 24, 2005

SEND TO:

NAME FIRM/COMPANY/CONFIRMATION NO. FAX NUMBER

Central Fax U.S. Patent & Trademark Office 571-273-8300

FROM:

Brian L. Johnson Telephone: (206) 628-7670 Fax: (206) 628-7699

NUMBER OF PAGES (including cover page): 12

Floor Sent From: Time Sent: AM PM Operator:
RETURN TO SENDER: VIA INTRAOFFICE MAIL ☐ WILL PICK UP ☐ EXTENSION:

COMMENTS:

RE: U.S. Application No. 10/701,389
Filed November 3, 2003
Docket No. 65036-2

THE WRITTEN MESSAGE TRANSMITTED HEREBY IS FOR THE EXCLUSIVE USE OF THE ADDRESSEE AND CONTAINS CONFIDENTIAL, PRIVILEGED AND NONDISCLOSABLE INFORMATION. IF THE RECIPIENT OF THIS MESSAGE IS NOT THE ADDRESSEE, OR A PERSON RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE ADDRESSEE, SUCH RECIPIENT IS PROHIBITED FROM READING OR USING THIS MESSAGE IN ANY WAY. IF YOU HAVE RECEIVED THIS MESSAGE BY MISTAKE, PLEASE NOTIFY THE SENDER IMMEDIATELY AND DESTROY THE FACSIMILE MESSAGE.

IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,
PLEASE CALL (206) 622-3150 AS SOON AS POSSIBLE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/701,389
	Filing Date	November 3, 2003
	First Named Inventor	Fardin Maxmillian Zahedi
	Art Unit	3711
	Examiner Name	Dolores R. Collins
Total Number of Pages in This Submission	Attorney Docket Number	65036-2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Davis Wright Tremaine LLP		
Signature	<i>Brian L. Johnson</i>		
Printed name	Brian L. Johnson		
Date	August 24, 2005	Reg. No.	40,033

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Shelley D. Salisbury</i>	
Typed or printed name	Shelley D. Salisbury	Date August 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2005 <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>		65036-2	
Application Number 10/701,389		Filed November 3, 2003	
For CARD GAME AND METHOD OF PLAY			
Art Unit 3711		Examiner Dolores R. Collins	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ <u>1080</u>

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-0258. I have enclosed a duplicate copy of this sheet.

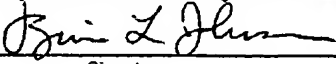
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 40,033

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



 Signature

Brian L. Johnson

Typed or printed name

 Date

August 24, 2005

 Telephone Number

206-628-7670

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

I hereby certify that on the date specified below, this correspondence is being sent via facsimile to the Central FAX Number (571) 273-8300 at the Patent & Trademark Office, Alexandria, VA 22313-1450.

August 24, 2005	
Date	Shelley D. Salisbury

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fardin Maxmillian Zahedi
Application No. : 10/701,389
Filed : November 3, 2003
For : CARD GAME AND METHOD OF PLAY

Examiner : Delores R. Collins
Art Unit : 3711
Docket No. : 65036-2
Date : August 24, 2005

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

INTRODUCTORY COMMENTS

Commissioner for Patents:

In response to the Office Action dated February 24, 2005, please extend the period of time for response five months to expire on August 24, 2005. Enclosed are a Petition for an Extension of Time and the required fee. Please amend the application as shown on the attached pages.

AMENDMENT TO THE CLAIMS

1. **(Currently Amended)** A method of playing a card game comprising the steps of:
 - (a) providing a deck of playing cards comprising:
 - (i) a standard deck of playing cards wherein the Jacks, Queens, and Kings have been revalued; and
 - (ii) a wild card;
 - (b) providing a player with an option to wager on playing Twenty-One or Poker or both;
 - (c) means for said player to wager to play Twenty-One and Poker;
 - (d) dealing two cards from said deck to said player and dealing a card from said deck to a dealer; and
 - (e) means for said player to play the conventional game of Twenty-One and play the conventional game of Poker, with a modification that the total value of a Poker hand may not exceed 21.
 - (f) providing a value to said player if said player opted to wager on playing Twenty One and said player wins said conventional game of Twenty-One, or said player opted to wager on playing Poker and said player wins conventional game of Poker and the total value of said Poker hand does not exceed 21.
2. **(Original)** The method of claim 1 wherein said Jacks are revalued as 2, said Queens are revalued as 3, and said Kings are revalued as 4 and said wild card is a Joker.
3. **(Currently Amended)** The method of claim 2 wherein when providing a value to said player, said value is based on pre-determined odds in relation to said wager, further comprising the step of paying said player an amount based on pre-determined odds in relation to said wager if said player wins.
4. **(Original)** The method of claim 3 wherein said deck includes 53 cards.
5. **(Original)** The method of claim 4 wherein the conventional game of Twenty-One is modified such that said player may not make an insurance wager and may not split pairs.
6. **(Original)** The method of claim 5 wherein the conventional game of Twenty-One is modified such that said player may double down on any two to five cards.

7. **(Original)** The method of claim 6 wherein the conventional game of Twenty-One is modified such that said dealer must hit if the value of said dealer's hand is less than soft or hard 18.
8. **(Original)** The method of claim 7 wherein the conventional game of Twenty-One is modified such that said dealer must stand if the value of said dealer's hand is soft or hard 18 or greater.
9. **(Original)** The method of claim 8 wherein the conventional game of Twenty-One is modified such that said player may receive a maximum of six cards.
10. **(Original)** The method of claim 9 wherein said pre-determined odds for Twenty-One are as follows:
- (a) paying said player three-to-one odds if said player has a Blackjack, even if said dealer also has a Blackjack;
 - (b) paying said player two-to-one odds if said player has a hand comprising five or six cards, excluding said Joker, having a total value of 21; and
 - (c) paying said player one-to-one odds if said player has a hand having a higher value than said dealer.
11. **(Original)** The method of claim 10 wherein the conventional game of Poker is further modified such that said player may draw as many cards as said player requests.
12. **(Original)** The method of claim 11 wherein the conventional game of Poker is further modified such that said Joker is a wild card.
13. **(Original)** The method of claim 12 wherein said pre-determined odds for Poker are as follows:

Winning Poker Combination	Pre-determined Odds
Royal Flush plus Joker	1000-to-1
Five of a Kind (including Joker)	200 -to-1
Royal Flush	100-to-1

Straight Flush	50-to-1
Four of a Kind	20-to-1
Full House	11-to-1
Flush	9-to-1
Straight	6-to-1
Winning Poker Combination	Pre-determined Odds
Three of a Kind	4-to-1
Two Pair	3-to-1
A Pair of 9s or 10s	2-to-1
A Pair Aces to 8s or a pair of Jacks, Queens, or Kings	1-to-1

14. **(Original)** The method of claim 1 further comprising an option for said player to wager on playing a Bonus Game wherein the rules of said Bonus Game is substantially the same as the rules of Poker with the exception that said pre-determined odds for said Bonus game are higher than that of Poker.

15. **(Original)** The method of claim 14 wherein said pre-determined odds for said Bonus Game are as follows:

Winning Poker Combination	Pre-determined Odds
Royal Flush plus Joker	1,000,000-to-1
Five of a Kind (including Joker)	1000-to-1

Royal Flush	500-to-1e
Straight Flush	200-to-1
Four of a Kind	50-to-1
Full House	20-to-1
Flush	20-to-1
Straight	10-to-1
Winning Poker Combination	Pre-determined Odds
Three of a Kind	5-to-1
Two Pair	4-to-1
A Pair of 9s or 10s	3-to-1
A Pair of Aces to 8s or a pair of Jacks, Queens, or Kings	-

16. **(Original)** The method of claim 15 further comprising an option to wager on playing said Bonus Game and Twenty-One.

17. **(Original)** The method of claim 16 wherein said player is paid a value based on said pre-determined odds in relation to said wager for said Bonus Game of claim 15 and a value based on said pre-determined odds in relation to said wager for Twenty-One of claim 10 if said player wins.

18. **(Original)** The method of claim 15 further comprising an option for said player to wager on playing said Bonus Game and Poker.

19. **(Original)** The method of claim 18 wherein said player is paid a value based on said pre-determined odds in relation to said wager for said Bonus Game of claim 15 and a value based on said pre-determined odds in relation to said wager for Poker of claim 13 if said player wins.

20. **(Original)** The method of claim 15 further comprising an option to wager on playing said Bonus Game, Poker, and Twenty-One wherein said player is paid a value based on said pre-determined odds in relation to said wager for said Bonus Game of claim 15, a value based on said pre-determined odds in relation to said wager for Poker of claim 13, and a value based on said pre-determined odds in relation to said wager for Twenty-One of claim 10 if said player wins.

REMARKS

Applicant has amended claims 1 and 3.

A limitation present in claim 1 but absent in the art cited by the Examiner (particularly Webb) is the feature that the Poker hand cannot exceed 21. This feature, in combination with the re-evaluation of the "face" cards results in both a concept familiar to players (the inability to exceed a hand with a value of 21 being common in blackjack) and unfamiliar (in that such a limitation is not found in Poker hand). Such a feature thus, while based on a familiar concept, is applied in an unfamiliar way, forcing the player to devise new strategies to succeed in the Poker game. This unfamiliar application makes the present invention novel and non-obvious in light of the cited art, which does not include or suggest such a feature.

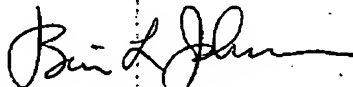
Applicant believes the additional limitation in Claim 1 satisfies the Examiner's utility objection.

All of the claims remaining in the application are now clearly allowable. Commissioner is hereby authorized to charge the required fees of \$1080, to Deposit Account No. 04-0258. If additional fees are believed necessary, the Commissioner is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7670.

Respectfully submitted,
Fardin Maxmillian Zahedi
DAVIS WRIGHT TREMAINE LLP

By 
Brian L. Johnson
Registration No. 40,033

Enclosure:
Form PTO/SB/22 Ext of Time

2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Phone: (206) 628-3150
Facsimile: (206) 628-7699

RECEIVED
CENTRAL FAX CENTER

Facsimile No. (571) 273-8300

AUG 24 2005

PTO/SB/22 (12-04)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>		Docket Number (Optional) 65036-2	
Application Number 10701389		Filed November 3, 2003	
For CARD GAME AND METHOD OF PLAY			
Art Unit 3711		Examiner Dolores R. Collins	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 1080

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-0258. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98).

☒ attorney or agent of record. Registration Number 40,033

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Brian L. Johnson August 24, 2005
Signature Date

Brian L. Johnson 206-628-7670
Typed or printed name Telephone Number

☒ Total of 1 forms are submitted.

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

Adjustment Date: 11/21/2005 SDIRETA1
08/25/2005 HTECKLU1 00000012 040258 10701389
01 FC:2255 1080.00 CR

PAGE 11/12 * RCVD AT 8/24/2005 2:51:35 PM (Eastern Daylight Time) * SVR:USPTO-EFAXF-6/29 * DNIS:2738300 * CSID:206 622 3150 * DURATION (mm-ss):03-24

11/21/2005 SDIRETA1 00000010 040258 10701389

01 FC:2253 510.00 DA

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.